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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,366	01/27/2004	Sun-hee Kim	YPL-0073	1569
23413	7590	05/14/2007	EXAMINER	
CANTOR COLBURN, LLP			BERTAGNA, ANGELA MARIE	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	
			1637	
			MAIL DATE	
			DELIVERY MODE	
			05/14/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/765,366

Applicant(s)

KIM ET AL.

Examiner

Angela Bertagna

Art Unit

1637

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): Rejection of claim 5 under 103(a) as obvious over Hozumi.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 4 and 5.
Claim(s) withdrawn from consideration: 6-10.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

JEFFREY FREDMAN
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed May 2, 2007 were fully considered, but were not found persuasive.

Regarding the rejection of claims 1, 4, and 5 under 35 U.S.C. 102(b) as anticipated by Veerasamy as evidenced by Theil, Applicant argues that the references do not teach all of the elements of the claims. More specifically, Applicant argues that Theil does not provide proof that the surface used by Veerasamy has silanol groups on the surface as required by claim 1 (see pages 5-6 of the response). This argument was not found persuasive, because as discussed previously, Theil provides sufficient evidence that the surface used by Veerasamy contains silanol groups. As noted by Applicant, Theil teaches a specific process by which silanol groups can be formed by vapor deposition (page 1375), and Veerasamy does not teach this condition. However, Theil also states that, "Most low-temperature depositions, using conventional or direct PECVD generally result in the incorporation of between 5% and 10% bonded hydrogen in both Si-H and Si-OH groups (page 1374, column 1)." Since Veerasamy teaches low temperature PECVD using siloxane gases (column 7, lines 15-45 teach vapor deposition with siloxane gases; column 16, line 64 - column 17, line 1 teaches deposition at 70C), it is inherent that some percentage of Si-OH groups will form on the surface during the vapor deposition process. Furthermore, as noted in MPEP 2112 and 2145, attorney argument does not replace evidence where evidence is necessary. Accordingly, the rejection of claims 1, 4, and 5 under 35 U.S.C. 102(b) is maintained.

Regarding the rejection of claims 1, 4, and 5 under 35 U.S.C. 103(a) as obvious over Hozumi, Applicant's arguments were fully considered, and are persuasive, in part. As noted in MPEP 716.02(d), "the objective evidence of nonobviousness must be commensurate in scope with the claims which the evidence is offered to support." The submitted evidence is persuasive with respect to silicon or glass surfaces as recited in claim 5, but not any surface having silanol groups as recited in claim 1. Accordingly, the rejection of claims 1 and 4 is maintained, and the rejection of claim 5 is withdrawn.